1902-045 Chancery Causes: Henry J. Morgan vs. Samuel H. Duff, sr. &c
Lee Co.

Kimberling, Morley

N.C. [illegible] located at [illegible]

CA-Debt
T-Property

1902-
Lee

Morgan vs. Duff

-Mend bill

Plffs Costs

Clerk	4
Tax	1.50
atty	15.00
Shff	2.50
	$23.25

Henry J Morgan

vs. } Bill in Chy

Samuel H Duff Sr & al

1901 1st October Rules Bill filed Spa. Executed as to S. H. Duff Sr. J. D. Duff & G W Kimberling D. N. as to them, & alias awarded as to W. D. Morley & Mary M Mozley

" 2nd Oct Rules D N Confd as to S H Duff. J. D. D[illegible] G W Kimberling & D. N. as to W D & Mary M Morley

" 1st Novr. Rules held the last Monday in Oct D N Confirmed as to W. D & Mary M Morely

Your Orator further States that the said James D. Duff, is the owner of Two Shares of the said Old Robert Duff Farm, one of which he inherited from his father Robert Duff decd, and the other he purchased from W D. Mowrey and ~~Letitia~~ Mary M. Mowrey his wife the latter being an heir of the said Robert Duff decd. and a sister of the said James D. Duff

Your Orator States that said Jas D. Duff purchased of said Mowrey & wife the latters interest ~~interest~~, in the said Robert Duff farm, and has fully paid them for the same, and is now entitled to a deed of conveyance for the said interest, but that the same has not been executed

Your Orator now States, that the said judgment operates as a valid and subsisting lien on said three parcels of Land, and that he is entitled to have the same, or so Much thereof as may be necessary sold to pay the balance due him on said judgment, and to have an account taken of any other judgments which operate as liens on said real estate,* and being without an adequate remedy at law, and only relieved in a court of equity; Your Orator therefore prays that the said Samuel H Duff or Jas D. Duff George W. Hainbarting W D. Mowrey and Letitia Mowrey be made defendants to this bill and required to answer the same, but not on oath for this formality is waived. That an account be taken of all liens that may operate as such on said real estate, and upon a hearing thereof a decree be entered ordering so much of said real estate sold as will be sufficient to pay your Orators said Judgment, and any other liens against said real estate. And if Mistaken in this his Special prayer. then your Orator prays for all general relief. May the commonwealths writ of Spa issue directed &c.

Pennington Bros., p.q.

* Which will not injure your time vesting pay said Judgt & the liens against the same.

To the Hon H. A. W. Skeen Judge of the Circuit Court of Lee County Virginia;

Humbly complaining Your Orator Henry J. Morgan a citizen of said County, would respectfully represent, that on the law side of your Honor's Court, at the March term Term thereof, commencing on Monday the   day of March 1900 He obtained a judgment at law against Samuel H. Duff Sr. James D. Duff, and George W. Kimberling for $190.00 with legal interest thereon from the 1st day of August 1899. till paid and the cost of the suit at law amounting to $12.71 and an abstract of said Judgement at law is herewith filed as a part of this bill marked (A)

Your Orator states that said Judgement at law was rendered upon a promissory Note in which said three parties waived the benefit of their respective homestead exemptions

Your Orator further States that since said Judgement was rendered as aforesaid, the said Samuel H Duff Sr has paid to him thereon the two following Sums ~~thereon~~ towit $30.00 paid April 2 1900, and $43.00 paid Decr 22 1900, and subject to these two credits, the balance of said judgement, is now due and owing to your Orator, No other or further payments having been made thereon;

Your Orator further States that at the time said judgement was rendered as well as now. the said Samuel H Duff Sr. was and is the owner of about 75 or 80 acres of land lying near the head of Wallens creek in said County, on the north side of Powells Mountain & South side of Wallens ridge and the same descended to him from his father Robert Duff decd, and the same is one Share of the Old Robert Duff farm;

Powell's Valley Bank,
JONESVILLE, VIRGINIA.
JAMES R. GILLIAM, *Prest.* C. E. COUK, *Cashier.*

Henry J Morgan Pltff }
vs } In Chancery
Samuel H. Duff &c al Defts }

On the motion of the Pltff, the Decree entered at the present term is set aside. And the plaintiff thereupon in person announced to the court that the judgment at law to enforce the payment of which, this suit was brought, had been paid in full, and the other two small judgments at law, reported in the cause by Comr. H. C. Joslyn had likewise been paid. On his further motion the parties to this suit are hence dismissed and the cause stricken from the docket.

Henry J Morgan

vs. } Decree No 3 final

S. H. Duff Sr. et al

Entered on Chcy O. B.
No 7 Page 135

Enter this
July 17 1902
H A W

Henry J. Morgan Pltff } In Chancery.
vs.
Samuel H Duff Sr & others Defts.

This cause came on again further to be heard this day on the papers heretofore read in the cause, and the report of Special Comr Henry C. Joslyn dated and filed in the cause the 19th day of Feb. 1902 and was argued by counsel, and said Special Comrs report being unexcepted to, On consideration of all which It is adjudged ordered and decreed that said report be approved and confirmed, And pursuant thereto, It is further adjudged ordered and decreed that the plaintiff recover of the defendants Samuel H Duff Sr, Jas D. Duff & George W. Hensbeling $134.71 the balance of the judgment in the bill mentioned with legal interest thereon from Feb 7 1902 till paid and the costs of this suit subject to a credit of $72.00 paid March 3 1902, and $30.00 paid Jany 7 1902. And it is further adjudged ordered and decreed that Henry C Joslyn recover of said Samuel H. Duff Sr. $5.94 with legal interest thereon from the 3rd day of March 1902 till paid And said recovery first above mentioned constituting a lien on the real estate owned by the defendants Samuel H. Duff Sr & Jas D. Duff the rents and profits of which will in less than five years time pay the balance of the judgment due the Pltff. and the small debt above decreed said H C. Joslyn It is further adjudged ordered and decreed that unless said sums be paid said Morgan & Joslyn within 30 days from the rising of this court then that the 75 or 80 acre tract of land belonging the deft. Samuel H Duff Sr be first rented out ~~first~~ to pay said sums, for the shortest space of time that it will yield the necessary sums to pay the same, and in the event that said tract when so rented, should not pay the debt due said Morgan then that the real estate of said Jas D. Duff be rented out to pay such residue. And R. L. Pennington is appointed a Comr. to execute said renting, who before doing so is required to execute bond before the Clerk of this court in the sum of $150.00 conditioned according to law, And as these debts are quite small, said renting shall be made for cash in hand, and said Comr. will report his action to the court, and the cause is continued.

Henry J Morgan

vs. } Decree No 2

Samuel H. Duff Sr et al

Entered C O B No 1
P 130

Enter this decree
July 16 1902
H. A. W. Skeen

Henry J Morgan Pltff } In Chy
vs.
S H Duff & others Defts }

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith, taken for confessed by all the defendants. And it appearing to the court that the defendants have been served with process in this cause More than 15 days before the present time and that an account of Liens is necessary in the cause, and was argued by counsel, On consideration thereof it is adjudged ordered and decreed that Henry C Joslyn who is hereby appointed a Special commissioner for the purpose ~~will~~ do take and state an account of all liens against S H. Duff Sr. and Jas D. Duff and their priorities He will also show the several claims for which the said S H Duff is primarily liable and also those for which the said Jas D. Duff is primarily liable and also those for which they are jointly liable, And he will also report whether or not the lands of said two defendants will in 5 years renting pay the said claims and he will also report any matter deemed pertinent by himself, or required by any party. And report these facts to the court at the next term, until which time the cause is continued

Henry J Morgan
vs } Decree No. 1
S H. Duff & others

Entered on Chancery O.B.
No 7 Page 19.

Enter this
H A W Skeen

Henry J. Morgan Pltff.
V.S.
S. H. Duff sr et. als. Defts. } In Chancery

To the Honorable H. A. W. Skeen
Judge of the Circuit Court of
Lee County Va.

Hon Sir:

Pursuant to a decree of your honor's Court. entered on the 12th day of Nov 1901. in the above styled Cause. I proceeded on the 10th day of Feby and on Subsequent days. to execute the same. by giving notice to all the interested parties & respectfully report as follows. I ascertain that S. H. Duff sen & J. D. Duff. are jointly liable for the following debts.

1st A. Judgment due H. J. Morgan for $134.71 as of Feby 7" 1902.
See Statement marked "A"

2°: A. Judgment due H. J. Morgan for $58.06 as of Feby 7" 1902.
See statement marked "B".

Of these debts S. H. Duff sen is primarily liable for the $134.71 debt. marked "A" and also for a Judgment due H. C. Joslyn as of March 3rd 1902. See Statement marked "C" for the Sum of \$5.94

J. D. Duff is primarily liable for the debt of \$58.06 marked "B." And I further ascertain that the lands of S. H. Duff Sen will rent for more than enough in five years to pay all his debts. and that the lands of J. D. Duff will also rent for enough in five years to pay his debts. The Costs of this suit up to the present time is \$23.25 not including the Commissioners fee which is \$5.00 and the Sheriffs Cost before the Comr 1.00 all of which I Suppose will have to be paid by the defendants to this suit. And now having Complied with the decree as fully as it is possible for me to do, the Same is hereby respectfully Submitted.

This Feby 19th 1902. Henry C. Joslyn
Spl Commissioner

H. J. Morgan
vs } Comr's Report
S. H. Duff Sen et als.

Filed Feby 19th 1902
AB Munsey Clerk

Comr's fee $5.00
Sheriff $1.00

Commissioners Notice:

H. J. Morgan Plaintiff }
vs. } In Chancery
S. H. Duff sr et als defts }

x x x x x x x x x x x x x x

On Consideration thereoff it is adjudged ordered and decreed that H. C. Joslyn who is hereby appointed a Special Comr. for the purpose do take and State an account of all liens against S. H. Duff sr and James D. Duff and their priorities. He will also show the several claims for which the said S. H. Duff sr is primarily liable, and also for those for which they are jointly liable. and will report whether or not the lands of the two defendants. will in five years renting pay the said claims x x x x x x x

The parties interested in the decree from which the foregoing is an extract, will take Notice. that. on the 18th day of February 1902. at the Office of M. G. Ely in Jonesville Va. I shall proceed to execute the same. when and where all parties interested are required to attend. with such evidence as will enable me to comply with the order of the Court.

Feby 10th 1902. H. C. Joslyn
Spl Commissioner

H. J. Morgan Pltff
vs.
S. H. Duff Sen et al Defts
Com's Notice

Serve copy at once & return to the office

Executed by delivering an attested copy of the within writ to S. H. Duff & J. D. Duff on the 14 day of Feb. 1902.
J. H. Hall D.S. for N. J. Mileham S.L.C.

I accept legal Service of the within Notice
Henry J. Morgan
Feb 17 1902

Virginia

Circuit Court March Term 1900.

Henry J Morgan Pltff
vs.
S H Duff Sr. Jas D. Duff & G W. Kimberling Defts } In Debt

Clerk	4.96
atty	2.50
S	1.50
Clk C C	25
Jury	1 00
Wit	1.50
T	1.00
	12.71

Trial & Judgment for the plaintiff against the defendants on a note waiving the homestead for $190.00 the debt in the declaration mentioned with legal interest thereon from August 1 1899 till paid and the cost.

C 4:96 A.2.50 S1.50 C C 25 Jury 1 00 W 1.50 T 1.00

Credits

Credit April 2 1900 By cash receipt given	$30.00
Credit Dec 22 1900 & School warrants	43.00
Credit Nov 7 1901 By Cash	20.00

Calculation

Judgment as above with interest from Augt 1 1899 for	190 00
Interest thereon to April 2 1900	7 60
Add for costs of Suit at law	12 71
	210 31
Cr San above April 2 1900 by Cash	30 00
	180 31
Interest on balance to Dec 22 1900	7 81
	188 12
Credit as above Dec 22 1900 By School Claims	43 00
	145 12
Interest on balance to Nov 7 1901	7 61
	152 73
Credit as above Nov 7 1901 By Cash	20 00
	132 73
Interest on Same to Feb 7 1902	1 98
Bal due Feb 7 1902	134 71
Int on Same to March 3 1902	1 61
	135 32
Deduct Credit paid March 3 1902	72 00
	63 32

Henry J Morgan

vs. } Statement of Judgt.

S H Duff Sr & others

"A."

J.P.	50
Const	1.50
	2.00

Virginia Before H. C. Joslyn a Justice of the Peace on the 5th day of Oct 1901.

Henry J Morgan Pltff
vs. } In Debt.
Jas W. Duff S H Duff & A J Litton Defts

Judgment for $75.30 with legal interest thereon from the 22nd day of March 1900. and the cost, Subject to a credit of $25.00 paid April 14 1900. J.P. 50. Con. 1.50

Calculation

Judgment due as above March 22 1900	75.30
Interest on Same to April 14 1900.	28
	75.58
Credit April 14 1900 By Cash	25.00
	50.58
Interest on Same to Feb. 7 1902	5.48
Add for cost of Judgt	2.00
Total Bal due Feb 7 1902 . . .	58.06

Henry J Morgan
vs. { Statement of Judgt
Jas D. Duff & others

"B."

Virginia.

Before W. A. Baker Justice of the Peace. on the 31st day of January 1900.

H. C. Joslyn
vs.
S. H. Duff & John Henderson.

Judgment for $8.50 with legal interest from the 25th day of April 1899. and $1.50 Costs. Subject to a Credit of $5.00 paid April 16th 1900.

Calculation

Judgment due Apr 25th 1899.	8.50
Interest to Apr 16th 1900	50
	9.00
Credit Apr 16th 1900.	5.00
	4.00
Interest to Mch 3d. 1902.	44
Add Costs of Judgt	1.50
Due March 3d. 1902.	$ 5.94

H. C. Joslyn
Statement of Judgt
S. H. Duff.

"C"

Virginia

At a circuit Court Continued and held for Lee County at the Court-house thereof, on Tuesday March the 6th 1900,

Henry J. Morgan Plff
vs
Samuel H. Duff. or J.D. Duff &
G.W. Kimberling Defts
} In debt

Plffs Costs	
Clerk	4.96
tax	1.00
Shff	1.50
atty	2.50
wits	1.50
Co. Clerk	25
Jury	1.00
	$12.71

This day Came again the parties by their attorneys, and the jury adjourned over on yesterday appeared in Court pursuant to the~~ir~~ adjournment, and having heard the evidence in full, and being instructed by the Court, were sent to their room to consult of their verdict, and after some time returned into Court, and upon their oaths do say, "We the jury find for the plaintiff One hundred and ninety dollars the debt in the declaration mentioned, with interest from the 1st day of August 1899. till paid".

It is therefore Considered by the Court that the plaintiff recover against the defendants the sum of $190.00 One hundred and ninety dollars the amount of the note in the declaration mentioned waiving homestead exemptions, and legal interest thereon from the 1st day of August 1899. till paid and the Costs.

A Copy
Teste: A B Munsey Clerk

Henry J Morgan
vs } Copy of Judgment
S. H. Duff Sr et als

(A)

Clerk for Copy 25c

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Samuel H Duff, sr. James D Duff, George W Kimberling, Wm D Morley, and Lettitia Morley

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the said court, on the 1st Monday in October 1901, to answer a bill in chancery exhibited against them in our said court by Henry J. Morgan

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 4th day of October 1901, and in the 126th year of the Commonwealth.

A copy, Teste: A B. Munsey Clerk.

Clerk.

BOATRIGHT JOB OFFICE, GATE CITY, VA.

I do Solemnly Swear that on Monday Oct 7th 1901. I delivered to the wife of Samuel H Duff Sr the wife of Jas D. Duff, and the wife of G W. Kimberling attested copies of the within writ, and explained to them its purport they being white persons over 16 years of age and the said Samuel H Duff Sr Jas D. Duff & G W Kimberling not being found at their usual places of Abode.

Frances Miles C.L.C

Sworn to and subscribed by Frances Miles Oct 9 1901

C. Cleaves N.P.

Henry J. Morgan

vs. } SUBPŒNA IN CHANCERY.

Samuel H Duff et al

Pennington Bros p. q.

To 1st October Rules.

1901. Circuit Court.

Serve Copies on
S. H. Duff sr
J. D. Duff &
G. W. Kimberling

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND again **YOU**, That you summon Samuel H. Duff Sr. James D Duff. G. W. Kimberling, Wm D Morley and Mary M. Morley

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the said court, on the 3rd Monday in October 1901, to answer a bill in chancery exhibited against them in our said court by Henry J. Morgan

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 7th day of October 1901, and in the 126th year of the Commonwealth.

A copy, Teste: A. B. Munsey Clerk.

Clerk.

BOATRIGHT JOB OFFICE, GATE CITY, VA.

W D Morley &
wife
McDonald

Henry J. Morgan

vs. } alias SUBPŒNA
IN CHANCERY.

Samuel H. Duffer et als

Pennington Bros p. q.

To 2nd October Rules.

1901. Circuit Court.

Oct 19 = 1901
Executed by Delivering
a coppy of the within to
W. D. Morley & one to Matty M. Morley
J. R. McDonald D. S.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Samuel H Duff or James D Duff, G. W. Kimberling, Wm D Morley, and Lettitia Morley

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the said court, on the 1st Monday in October 1901, to answer a bill in chancery exhibited against them in our said court by Henry J. Morgan

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 4th day of October 1901, and in the 126th year of the Commonwealth.

A copy, Teste: A B Munsey Clerk.

A B Munsey Clerk ~~Clerk.~~

BOATRIGHT JOB OFFICE, GATE CITY, VA.

VS. SUBPŒNA IN CHANCERY.

.... p. q.

To .... Rules.

.... Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Samuel H Duff, sr James D Duff, G. W. Kimberling, Wm D Morley and Lettitia Morley

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the said court, on the 1st Monday in October 1901, to answer a bill in chancery exhibited against them in our said court by Henry J. Morgan

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 4th day of October 1901, and in the 126th year of the Commonwealth.

A copy, Teste: A B Munsey Clerk.

A B Munsey Clerk ~~Clerk.~~

BOATRIGHT JOB OFFICE, GATE CITY, VA.

VS. { SUBPŒNA
IN CHANCERY.

p. q.

To Rules.

Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Samuel H Duff, sr. James D Duff, G. W. Kimberling, Wm D Morley and Lettitia Morley

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the said court, on the 1st Monday in October 1901, to answer a bill in chancery exhibited against them in our said court by Henry J. Morgan

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 4th day of October 1901, and in the 126th year of the Commonwealth.

A copy, Teste: A. B. Munsey Clerk.

Clerk.

BOATRIGHT JOB OFFICE, GATE CITY, VA.

Serve Copies, on
Wm D Morley &
Lettitia Morley

Henry J Morgan

vs. SUBPŒNA
IN CHANCERY.

Samuel H Duffer et al

Pennington Bros p. q.

To 1st October Rules.

1901. Circuit Court.

Not executed